

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LENNIE D. MATHIS, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
vs.                     )                              No. CIV-11-694-C  
                        )  
                        )  
ROBERT EZELL, Warden, )  
                        )  
                        )  
Respondent.         )

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on September 26, 2011. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and Respondent's Motion to Dismiss (Dkt. No. 9) is denied. The matter is recommitted to Judge Purcell consistent with the original Order of Referral.

IT IS SO ORDERED this 27th day of October, 2011.

Robin J. Cauthron  
ROBIN J. CAUTHRON  
United States District Judge